

PHILLIP A. TALBERT
United States Attorney
ROBERT L. VENEMAN-HUGHES
Assistant United States Attorney
2500 Tulare Street, Suite 4401
Fresno, CA 93721
Telephone: (559) 497-4000
Facsimile: (559) 497-4099
Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUAN BANDA,
ARTHUR GARCIA

Defendants.

CASE NO. 1:23-CR-00106-NODJ-BAM

STIPULATION TO CONTINUE STATUS
CONFERENCE; ORDER

IT IS HEREBY STIPULATED by and between Phillip A. Talbert, United States Attorney and Robert L. Veneman-Hughes, Assistant U.S. Attorney and Griffes Estes, attorney for defendant Juan BANDA and Darryl Young, attorney for defendant Arthur GARCIA, that the status conference set for January 10, 2024 at 1:00 pm before the Honorable Barbara A. McAuliffe be continued to February 28, 2024 at 1:00 p.m.

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendants, by and through defendants' counsel of record, hereby stipulate as follows:

1. The parties need additional time to further investigate/explore matters related to resolving the case or setting a trial date.

2. By this stipulation, defendants now moves to continue the status conference, and to exclude time from January 10, 2024 to February 28, 2024.

3. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case includes investigative reports, and related documents, photographs, etc., in electronic form. All

1 of this discovery has been either produced directly to counsel and/or made available for
2 inspection and copying. Defense would like additional time to review discovery, and investigate
3 the foundation for a resolution by plea or trial further.

4 b) The government does not object to the continuance.

5 c) An ends-of-justice delay is particularly apt in this case because:

- 6 • Defendant needs additional time to review discovery, and conduct additional
7 investigation; and
8
9 • The parties need additional time to investigate/explore matters related to
10 proceeding via plea or trial.

11 d) Based on the above-stated findings, the ends of justice served by continuing the
12 case as requested outweigh the interest of the public and the defendant in a trial within the
13 original date prescribed by the Speedy Trial Act.

14 e) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
15 et seq., within which trial must commence, the time period of January 10, 2024 to February 28,
16 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv)
17 because it results from a continuance granted by the Court at defendants' request on the basis of
18 the Court's finding that the ends of justice served by taking such action outweigh the best interest
19 of the public and the defendants in a speedy trial.

20 **[Remainder of page intentionally left blank.]**

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

Dated: January 4, 2024

Respectfully submitted,

PHILLIP A. TALBERT
United States Attorney

By /s/ Robert L. Veneman-Hughes
ROBERT L. VENEMAN-HUGHES
Assistant United States Attorney

Dated: January 4, 2024

/s/ Griffin Estes
GRIFFIN ESTES
Attorney for Defendant Juan BANDA

Dated: January 4, 2024

/s/ Darryl Young
DARRYL YOUNG
Attorney for Defendant Arthur GARCIA

ORDER

IT IS SO ORDERED that the status conference is continued from January 10, 2024, to **February 28, 2024, at 1:00 p.m. in Courtroom 8 before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv).

IT IS SO ORDERED.

Dated: **January 4, 2024**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE